

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

Milena Cvitan,

Plaintiff,

vs.

Police and Firemen's Retirement System of
New Jersey, and Elizabeth Maher Muoio in
her official capacity as Treasurer of the State
of New Jersey,

Defendants.

Civil Action No.: 3:22-cv-02385

Complaint

Plaintiff says by way of complaint against the Defendants:

Parties

1. Plaintiff Milena Cvitan is an individual who resides in Morris County, New Jersey.
2. Defendant Police and Firemen's Retirement System of New Jersey is an entity within the Division of Pensions of the Department of the Treasury of New Jersey, and has the powers and privileges of a corporation. N.J.S.A. 53:5A-4.
3. Defendant Elizabeth Maher Muoio, in her official capacity, is the current Treasurer of the State of New Jersey.

Jurisdiction and Venue

4. This Court has jurisdiction over Plaintiff's federal law claim per 28 U.S.C. 1331.
5. This Court has supplemental jurisdiction over Plaintiff's state law claim per 28 U.S.C. 1367.

6. Venue is proper in this District, as all parties are residents, agents, boards, or subdivisions of New Jersey.

Factual Allegations

7. Plaintiff Milena Cvitan was engaged to marry Cleave Ledford.

8. Due to the COVID-19 pandemic, they delayed their marriage so that they could have family and friends present at their wedding.

9. As an interim measure to obtain the legal protections offered by marriage, they became registered domestic partners on August 7, 2020.

10. Before they could be married, Mr. Ledford died on April 15, 2021.

11. Mr. Ledford was an employee of the Newark Police Department for years, and was entitled to a pension through the Police and Firemen's Retirement System of New Jersey ("PFRS").

12. Ms. Cvitan applied for survivor pension benefits through the PFRS, but was denied.

13. The PFRS provides such benefits to domestic partners, but only if they are same-sex partners.

14. The sole reason that Ms. Cvitan was denied such benefits was because she was the opposite-sex from Mr. Ledford.

15. Had Ms. Cvitan been the same-sex as Mr. Ledford, she would have received such

benefits.

Count One

(42 U.S.C. 1983 - Equal Protection)

16. Plaintiff restates her allegations set forth above.
17. Plaintiff has a federal constitutional right to equal protection under the law.
18. Defendants violated that right by discriminating against her on the basis of sex.
19. The sole reason that Plaintiff was denied survivor pension benefits was because she was a woman, and therefore opposite-sex from her domestic partner.
20. Had Plaintiff been a man, she would have been the same sex as her domestic partner, and therefore entitled to survivor pension benefits.
21. There are no governmental objectives served by this sort of discrimination.

Prayer for Relief

22. Wherefore Plaintiff requests the Court enter judgment against Defendants as follows:
 - a. enjoining Defendants from future violations of federal law;
 - b. an award of compensatory damages and interest;
 - c. attorneys' fees and costs; and
 - d. other relief as the Court may deem just and proper.

L. CIV. R. 11.2 CERTIFICATION

I certify under penalty of perjury that to the best of my knowledge, the matter in controversy is not the subject of any other action pending in any court, or of any pending

arbitration or administrative proceeding.

Dated: 4/26/22

/s/ Jordan B. Dascal
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